

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY S. RODRIQUEZ,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 10-cv-077-DRH
)	
PEOPLE of the STATE of ILLINOIS, et)	
al.,)	
)	
Respondents.)	

ANTHONY S. RODRIQUEZ,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 10-cv-231-DRH
)	
WARDEN BIRKEY, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner Anthony S. Rodriquez filed these habeas corpus actions pursuant to 28 U.S.C. § 2254 to challenge the constitutionality of his confinement. Each petition challenges certain aspects of his 1997 conviction in Randolph County, Illinois, on two counts of criminal sexual assault.

With his first case, Rodriquez sent a letter (Doc. 5) that was construed as a motion to

consolidate. In essence, though, this letter indicates that Rodriquez would be soon filing a second habeas corpus action, and he is seeking advice on whether the two could be consolidated and, if so, how would he do it. After reviewing the pleadings in both above-captioned cases, the Court finds that the cases should be consolidated. Thus, this motion is **GRANTED**.

DISPOSITION

IT IS HEREBY ORDERED that the above-captioned cases are **CONSOLIDATED** into one case, that being the first-filed case: *Rodriquez v. People of the State of Illinois*, 10-cv-077-DRH.

IT IS FURTHER ORDERED that the second-filed case, *Rodriquez v. Birkey*, 10-cv-231-DRH, is **CLOSED**. No further filings shall be made in this case.

IT IS FURTHER ORDERED that the Clerk shall file the following pleadings from 10-cv-231-DRH into 10-cv-077-DRH, as follows:

- The original petition in 10-cv-231-DRH (Doc. 1), shall be filed as a SUPPLEMENT to the petition in 10-cv-077-DRH.
- The motion to amend/correct in 10-cv-231-DRH (Doc. 3) shall be filed as a motion to amend/correct in 10-cv-077-DRH.¹

IT IS SO ORDERED.

DATED: August 11, 2010.

/s/ David R Herndon
CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ In 10-cv-231-DRH, the motions at Doc. 3 and Doc. 4 are identical. Moreover, it appears that they were intended to be filed in 10-cv-077-DRH, although Rodriquez wrote the case number as “10-7-DRH”.